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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,879	06/30/2000	Michael A. Puscar	00-40174-US	9994

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EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 11/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/607,879

Applicant(s)

PUSCAR ET AL.

Examiner

Cindy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This is in response to amendment filed on 10/07/2000.

### ***1. Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

### **2. Claims 1-11 and 14-17 and 10-22 stand rejected under 35 U.S.C. 102(a) as being anticipated by Buck et al (U.S 6078866).**

In consideration of claim 1, Buck et al. disclose: “A method of providing news relating to a specified subject to a subscriber” (see col. 3, lines 66 to col. 4, lines 12, Buck et al.), comprising the steps of: “(a) selecting a plurality of Web sites relating to a category to which the specified subject relates” (see col. 4, lines 52-54, Buck et al.); “(b) automatically determining the relevancy of at least one Web page in each selected Web site by scanning for words relating to the specified subject” (see col. 4, lines 60-63, Buck et al.); “(c) automatically determining the content type of at least one Web page in each selected Web site by scanning at least one Web page for words indicating content type” (see col. 4, lines 63-66, Buck et al.); “(d) compiling a list of relevant Web pages based on the results of steps (b) and (c)” (see col. 5, lines 62-65, Buck et al.); and “(e) providing the compiled list to the subscriber” (see col. 6, lines 15, Buck et al.).

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As per claim 2, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: "further comprising the step of:(f) prompting the subscriber to specify a subject" (see col. 7, lines 18-28, Buck et al.).

Regarding claim 3, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: "wherein the plurality of Web sites is selected by, manually categorizing Web sites into categories" (see col. 7, lines 58-65, Buck et al.).

Regarding claim 4, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: "wherein the plurality of Web sites is selected by automatically scanning Web sites for words indicating the category to which each Web site relates" (see col. 5, lines 46-61, Buck et al.).

Regarding claim 5, the limitations of this claim have been noted in the rejection of claim 4. Applicant's attention is directed to the rejection of claim 4 above. In addition, Buck et al. disclose: "wherein each scanned Web site is assigned to at most one category" (see col. 6, lines 32-34, Buck et al.).

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Regarding claim 6, the limitations of this claim have been noted in the rejection of claim 4. Applicant's attention is directed to the rejection of claim 4 above. In addition, Buck et al. disclose: "wherein each scanned Web site may be assigned to one or more one categories" (see col. 6, lines 32-48, Buck et al.).

Regarding claim 7, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: "wherein the plurality of Web sites is selected based on the frequency with which relevant links have been located in prior iterations of the method with respect to the specified subject" (see Fig. 4A and corresponding text, Buck et al.).

Regarding claim 8, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: "wherein the plurality of Web sites is selected based on the frequency with which relevant links have been located in prior iterations of the method with respect to the same category" (see Fig 4B and corresponding text, Buck et al.).

Regarding claim 9, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: "wherein the words relating to the specified subject comprise at least one word contained in the specified subject" (see col. 7, lines 29-35, Buck et al.).

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Regarding claim 10, the limitations of this claim have been noted in the rejection of claim

1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: "wherein the words relating to the specified subject comprise words provided by the subscriber" (see col. 7, lines 16-22, Buck et al.).

Regarding claim 11, the limitations of this claim have been noted in the rejection of claim

1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: "further comprising the steps of: (f) compiling a list of words based on the frequency with which such words have appeared in relevant links located in prior iterations of the method with respect to the same category" (see col. 7, lines 1-14, Buck et al.); and "(g) prompting the subscriber to select one or more words from the compiled list" (see col. 8, lines 23-26, Buck et al.), "wherein the words relating to the specified subject comprise words selected by the subscriber in step (f)" (see col. 7, lines 16-22, Buck et al.).

Regarding claim 14, the limitations of this claim have been noted in the rejection of claim

1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: "wherein the list of web pages provided to the subscriber in step (e) comprises a hyperlink to each Web page in the list" (see col. 6, lines 23-32, Buck et al.).

Regarding claim 15, the limitations of this claim have been noted in the rejection of claim

1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Buck et al.

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disclose: “wherein the list of Web pages is provided to the subscriber in step (e) by electronic mail (“email”)(see col. 6, lines 51-55, Buck et al.).

Regarding claim 16, the limitations of this claim have been noted in the rejection of claim 1. Applicant’s attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: “wherein the list of Web pages is provided to the subscriber in step (e) over the Web” (see 41, Fig 2B, Buck et al.).

Regarding claim 17, the limitations of this claim have been noted in the rejection of claim 1. Applicant’s attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: “wherein the list of Web pages is provided to the subscriber in step (e) over the Internet” (see col. 7, lines 16-18, Buck et al.).

Regarding claim 20, the limitations of this claim have been noted in the rejection of claim 1. Applicant’s attention is directed to the rejection of claim 1 above. In addition, Buck et al. disclose: “wherein the at least one Web page scanned in each site comprises the index page of the Web site” (see col. 3, lines 54-59, Buck et al.).

As per claims 21 and 22, all the limitations of these claims have been noted in the rejection of claim 1. It is therefore rejected as set forth above.

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**3. Claim 23 is rejected under 35 U.S.C. 102(a) as being anticipated by O'Neil et al (U.S 6339644).**

Regarding claim 23. O'Neil et al. disclose: " A system for providing news relating to a specified subject to a subscriber, comprising: a processor" (see 200, Fig 2, O'Neil et al.); "a memory connected to said processor" (see 204, Fig 5, O'Neil et al.); "a display in communication with said processor" (see 210, Fig 5, O'Neil et al.); "and an input device in communication with said processor" (see 208, Fig 5, O'Neil et al.), "wherein said processor selects a plurality of Web sites relating to a category to which the specified subject relates" (see col. 1, lines 30-32, O'Neil et al.); "wherein said processor determines the relevancy of at least one web page in each selected web site by scanning for words relating to the specified subject" (see col. 12, lines 14-30, O'Neil et al.); "wherein said processor determines the content type of at least one Web page in each selected Web site by scanning for words indicating content type" (see col. 12, lines 39-49, O'Neil et al.); "wherein said processor compiles a list of relevant Web pages based on the results of the scanning" (see col. 8, lines 43-51, O'Neil et al.); and "wherein said processor providing the compiled list to the subscriber" (see col. 12, lines 50-56, O'Neil et al.).

**4. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al (U.S. 6078866) in view of Ainsbury et al. (U.S. 6078924).**

Regarding claim 12, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. However, Buck et al. doesn't disclose the specify detail in claim 12. On the other hand, Ainsbury et al. disclose: "wherein the list of relevant Web pages is compiled in step (d) by including only those Web pages that are determined both to be relevant in step (b)" (see col. 12, lines 25-31, Ainsbury et at.) "and to be of a news content type in step (c)" (see col. 12, lines 56-59, Ainsbury et at.).

Therefore, it would have been obvious to a person of ordinary skill in the art to provide an application that automated the collection of data, provided a method for organizing the library of information and provided analysis using multiple content types, and thereby provide a market understanding necessary to execute rapid and knowledgeable decision making (see col. 2, lines 32-38, Ainsbury et al.) would have incorporated the teaching of internet searching as taught by Buck et al. One of ordinary skill in the art would have been motivated to having a site listings database containing a plurality of site listings, each of which is provided by a site listing subscriber and includes a title or description of the content of the respective site (see col. 4, lines 2-5, Buck et al.).

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Regarding claim 13, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. However, Buck et al. doesn't disclose the specify detail in claim 13. On the other hand, Ainsbury et al. disclose: "wherein the list of relevant Web pages is compiled in step (d) by including only those Web pages that are determined both to be relevant in step (b) and not to be advertisements in step (c)" (see col. 12, lines 61-66, Ainsbury et al.).

**6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al (U.S 6078866) in view of O'Neil et al. (U.S. 6339644).**

Regarding claims 18 and 19, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. However, Buck et al. doesn't disclose the specify detail in claim 13. On the other hand, O'Neil et al. disclose: "wherein the list of Web pages is provided to the subscriber in step (e) over an intranet, by wireless communication" (see col. 15, lines 20-24, Buck et al.)

Therefore, it would have been obvious to a person of ordinary skill in the art to combine LAN, WAN, intranet, Internet, telecommunication or specialty network (see col. 15, lines 23-25, O'Neil et al.) would have incorporated the teaching of internet searching as taught by Buck et al. One of ordinary skill in the art would have been motivated to having a site listings database containing a plurality of site listings, each of which is provided by a site listing subscriber and

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includes a title or description of the content of the respective site (see col. 4, lines 2-5, Buck et al.).

### **7. *Response to Arguments***

Applicant argues: “In the cited portion of the Buck reference, the “relevancy” and “content type” determinations (to the extent that they are made at all) are made by the subscriber rather than automatically using a machine”. The Examiner respectfully disagrees. Buck clearly discloses automatically determinations are made by using a machine (col. 5, lines 43-61, Buck).

Responding to Applicant’s arguments with respect to claims 7 and 8 (page 5). The Examiner respectfully disagrees, Buck clearly disclose: wherein the plurality of web sites is selected based on the frequency with which relevant links have been located in prior iterations of the method with respect to the subject ( col. 5, lines 55-col. 6, lines 11, Buck).

Responding to Applicant’s arguments with respect to claim 11 (pages 5-6). The Examiner respectfully disagrees, Buck clearly disclose: (f) compiling a list of words based on the frequency with which such words have appeared in relevant links located in prior iterations of the method with respect to same category (col. 7, lines 36-50, Buck).

Responding to Applicant’s arguments with respect to claim 23 (pages 6-7). The Examiner respectfully disagrees, O’Neil clearly disclose: the sites are selected by processor –as expert systems (col. 1, lines 30-50, O’Neil). Wherein said processor determines the relevancy of at least one Web page (col. 14, lines 19-30, O’Neil) in each selected Web site by scanning for words relating to the specified subject (col. 6, lines 49-65, O’Neil); wherein said processor determines the content types of at least one web page in each selected Web site by scanning for words indicating content type (col. 13, lines 1-26, O’Neil).

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Responding to Applicant's argues in claims 12 and 13 (page 8). The Examiner respectfully disagrees, Ainsbury clearly disclose: requiring that the list include only Web pages that are both relevant and of a news content type (col. 9, lines 51-67, Ainsbury).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **9. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*CN*

Cindy Nguyen  
November 7, 2002

  
**SAFET METJAHIC**  
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